IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBE	RT CHARLES	ANTHONY	KING,)	
		Plainti	ff,)	
	V.)	1:23CV730
MR.	DICKERSON a	and MR. I	PHILLIP,)	
		Defendar	nts.)	

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on December 20, 2023, was served on the parties in this action.

Plaintiff filed a letter on January 8, 2024, which this court treats as an objection to the Recommendation. (Doc. 28.)

Defendants filed a response. (Doc. 29.)

Neither party appears to object to the Magistrate Judge's Recommendation. Plaintiff's only issue appears to be related to potential discovery requests. To the extent Plaintiff seeks discovery, he should send his discovery requests directly to Defendants. Any future discovery disputes should be raised in a motion to compel or motion for protective order for consideration by the Magistrate Judge.

The court has reviewed and hereby adopts the Recommendation.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Doc. 11) is DENIED because it relies on evidence outside the pleadings, but such denial is without prejudice to further consideration on a future motion for summary judgment; and that Plaintiff's motion for summary judgment (Doc. 19) is DENIED as premature without prejudice to further consideration on a future motion after the close of the discovery period.

/s/ Thomas D. Schroeder United States District Judge

January 30, 2024